

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Thomas Cox, *et al.*, on their own behalf and on
behalf of similarly situated others,

Plaintiffs,

-against-

Spirit Airlines, Inc.,

Defendant.

Civil Case No. 1:17-cv-05172-EK-VMS

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Its Motion to Dismiss for Lack of Personal Jurisdiction as to Certain Absent Class Members and to Enforce Its Arbitration Rights as to Certain Absent Class Members, Declaration of Michelle Velasquez, and upon all other filings and proceedings in conjunction with this Motion, Defendant Spirit Airlines, Inc. moves this Court before the Honorable Eric R. Komitee, United States District Judge, 225 Cadman Plaza East, Brooklyn, New York, 11201, at a time to be determined by the Court, for (i) an order dismissing the claims of absent class members that do not arise out of or relate to Spirit's conduct in New York for lack of personal jurisdiction under Federal Rule of Civil Procedure 12, and (ii) an order staying or compelling arbitration of the claims of, or in the alternative modifying the class definition to exclude, the members of the certified class who booked on or after September 17, 2014 through Expedia, March 4, 2016 through CheapTickets, and November 9, 2016 through Travelocity pursuant to 9 U.S.C. §§ 3 or 4.

Dated: New York, New York
February 21, 2023

By: /s/ Mark W. Robertson

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